



The Office of Vince Ryan  
County Attorney

December 13, 2010

Members of the Commissioners Court  
1001 Preston, 9<sup>th</sup> Floor  
Houston, Texas 77002

Attn.: Dr. R. L. Raycraft  
Director, Management Services

Vote of the Court:	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Comm. Eversole</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Re: Agenda request for December 21, 2010

Dear Members of the Court:

This is to request that the following topic be placed on the Commissioners Court Agenda for December 21, 2010:

**Consider Order Authorizing Memorandum of Understanding  
Between Harris County and the United States Environmental  
Protection Agency, Region 6 Relating to San Jacinto River  
Waste Pits Superfund Site Located in Harris County**

Thank you for your consideration of this request.

Presented to Commissioner's Court

Sincerely,

VINCE RYAN  
County Attorney

By Sneh R. Patel  
Chief, Environmental Regulatory Section

DEC 21 2010

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VR/SRP/lg  
Enclosures

Approved:

Terence O'Rourke  
First Assistant County Attorney

MANAGEMENT SERVICES  
HARRIS COUNTY  
10 DEC 15 AM 8:49

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Adm. copy

cc AA - copy

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
HARRIS COUNTY  
AND THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6**

**I. Introduction**

The Memorandum of Understanding (MOU) is made between Region 6 of the United States Environmental Protection Agency (Region 6 EPA) and Harris County, Texas. Region 6 EPA and Harris County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as Harris County, having its principal place of business at 1001 Preston, 9<sup>th</sup> Floor, Houston, Texas; 77002, enter this MOU to establish a partnership between governmental agencies to enhance the cleanup of the San Jacinto River Waste Pits Superfund Site located in Harris County.

**II. Purpose**

Region 6 EPA has placed the San Jacinto River Waste Pits Superfund Site in Harris County, Texas on the National Priorities List of the Superfund Program on March 19, 2008. The site, with waste ponds and surface impoundments built in the 1960s for the disposal of pulp and paper mill waste, is located in a marsh partially submerged on the western bank of the San Jacinto River in Harris County, Texas, immediately north of the Interstate Highway 10 (I-10) bridge over the San Jacinto River; and can encompass any other additional potential areas identified as part of the Superfund process. The primary hazardous substances documented at the site are polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans. Dioxins and furans are "hazardous substances" as defined by Section 101 (14) of CERCLA, 42 U.S.C. § 9601 (14). Fish consumption advisories for dioxin, PCB, and organochlorine pesticides are active in this watershed. Region 6 EPA is entrusted with the duty to protect human health and the environment through timely and effective site remediation under the Superfund program. Through state statutes, Harris County is entrusted with the authority to inspect, investigate, and enforce environmental laws and regulations. In this role, Harris County is interested in providing local technical expertise in evaluating and reviewing technical components related to the Site on behalf of their citizenry.

**III. Roles and Responsibilities**

Region 6 EPA is forming the San Jacinto Technical Advisory Committee (SJTAC) with Harris County in order to review and discuss technical documents for the San Jacinto River Waste Pits Superfund Site. Harris County will provide comments and recommendations to the Region 6 EPA, where appropriate, regarding the technical documents for the site generated during the Superfund cleanup process, including but not limited to, the Time Critical Removal Action and the Remedial Investigation/Feasibility Study, Remedial Design, and Remedial Action.

**SAN JACINTO SUPERFUND SITE  
ANGENICES ROLE**

<b>Superfund Activities</b>	<b>EPA</b>	<b>TCEQ</b>	<b>Federal/State TRUSTEES</b>	<b>Harris County</b>
Review Draft Technical Documents	Lead	Participate	Participate	Participate
Review Draft Final Technical Documents	Lead	Participate	Participate	Participate
Review Final Technical Documents	Lead	Participate	Participate	Participate
Resolve Agencies Technical Comments (no PRPs)	Lead	Participate	Participate	Participate
Discuss Technical Comments with PRPs	Lead	Participate	Participate	No Role
Review Draft Proposed Plan	Prepare	Review	Review	Review
Review Draft ROD	Prepare	Review	Review	Review
Final ROD	Approval/Signature	Concurrence	No Role	No Role

**IV. Reservation of Rights**

Region 6 EPA and Harris County both pledge in good faith to go forward with the MOU and to further the goals and purposes of this MOU. Region 6 EPA and Harris County shall attempt to resolve any disputes through good faith discussions. Region 6 EPA and Harris County reserve any and all rights or authority that they respectively have, including but not limited to, legal, equitable, or administrative rights. Nothing in this MOU herein limits Region 6 EPA's decision making authority under the Comprehensive Environmental Response, Compensation and Liability Act.

**V. Modification/Duration/Termination**

This MOU is to take effect upon signature of all participants and remain in effect for the duration of the National Priorities Listing of the San Jacinto River Waste Pits Superfund Site, unless the participants decide otherwise in writing. This MOU may be amended any time by the mutual consent of the participants. A participant may amend upon joint agreement or terminate its participation in this MOU by providing upon 30 days written notice to the other participant.

**VI. Communications**

Region 6 EPA and Harris County agree to reasonably coordinate with one another concerning any communication or publicity regarding the contents of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this MOU and each of the undersigned personally represent and warrant that they have the full right, power, and authority to execute this Agreement on behalf of the respective parties. Harris County executes this MOU by and through the County Judge acting pursuant to Order of the Commissioners Court of Harris County, Texas, so authorizing.

FOR HARRIS COUNTY

By Ed Emmett  
Ed Emmett  
County Judge

Date: DEC 21 2010, 2010

APPROVED AS TO FORM:

VINCE RYAN  
County Attorney

By SR Patel  
Snehal R. Patel, Chief  
Environmental Regulatory Section

Date: December 13, 2010

FOR REGION 6 ENVIRONMENTAL PROTECTION AGENCY

By Samuel Coleman  
Samuel Coleman, P.E.  
Superfund Division Director  
EPA Region 6

Date: 16 December, 2010

DEC 21 2010

THE STATE OF TEXAS §  
 §  
 COUNTY OF HARRIS §

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DEC 21 2010 The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_ 2010, with the following members present, to-wit:

Ed Emmett County Judge  
 El Franco Lee Commissioner, Precinct No. 1  
 Sylvia R. Garcia Commissioner, Precinct No. 2  
 Steve Radack Commissioner, Precinct No. 3  
~~Jerry Eversole Commissioner, Precinct No. 4~~

And the following members absent, to-wit: Eversole, constituting a quorum, when among other business, the following was transacted:

**ORDER AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN  
 HARRIS COUNTY AND THE UNITED STATES ENVIRONMENTAL  
 PROTECTION AGENCY (EPA), REGION 6 RELATING TO SAN JACINTO  
 RIVER WASTE PITS SUPERFUND SITE LOCATED IN HARRIS COUNTY**

Commissioner Garcia introduced an order and made a motion that the same be adopted. Commissioner Lee seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Comm. Eversole</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

**WHEREAS**, the EPA has placed the San Jacinto River Waste Pits Superfund Site in Harris County (Precinct 2) on the National Priorities List of the Superfund Program on March 19, 2009;

**WHEREAS**, the site, with waste ponds and surface impoundments built in the 1960s for the disposal of pulp and paper mill waste, contains hazardous substances such as dioxins; and is generally located around a marsh partially submerged on the western bank of the

SRP Snehal R. Patel \_\_\_\_\_ Terence O'Rourke Submitted on 12/13/2010 for CC Mgt. on 12/21/2010

San Jacinto River in Harris County, Texas, immediately north of the Interstate Highway 10 (I-10) bridge over the San Jacinto River;

**WHEREAS**, the EPA Region 6 is entrusted with the duty to protect human health and the environment through timely and effective site remediation under the Superfund program;

**WHEREAS**, Harris County is entrusted with the authority to inspect, investigate, and enforce environmental laws and regulations; and in this role, has been providing local technical expertise in evaluating and reviewing technical components related to the site on behalf of its citizenry; and

**WHEREAS**, the EPA Region 6 and Harris County would like to cement this relationship through a Memorandum of Understanding to enhance the cleanup of the San Jacinto River Waste Pits Superfund Site located in Harris County.

**NOW THEREFORE BE IT ORDERED** by the Commissioners Court of Harris County, Texas that the County Judge is authorized to execute for and on behalf of Harris County, a Memorandum of Understanding between Harris County and the United States EPA, Region 6 in the form of the attached document, which is incorporated herein for all purposes.